

THE COUNCIL OF THE CITY OF NEW YORK

Hon. Corey Johnson
Speaker of the Council

Hon. Mathieu Eugene
Chair, Committee on Civil and Human Rights



Report of the Finance Division on the
Fiscal 2021 Preliminary Plan

Equal Employment Practices Commission

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Equal Employment Practices Commission Overview

The Equal Employment Practices Commission (EEPC or the Commission) is an independent Commission comprised of five commissioners, empowered by the New York City Charter to monitor and evaluate the employment programs, practices, policies, and procedures of all City agencies to ensure that they maintain an effective, affirmative employment program of equal employment opportunity for protected groups who are employed by, or seek employment with, the New York City government. The Charter authorizes the appointment of two Commissioners by the Mayor, two by the City Council, and the joint appointment of the Chair by the City Council Speaker and the Mayor. All Commissioners serve part-time, for four-year staggered terms.

The EEPC reviews the affirmative employment plan of each City agency and provides appropriate recommendations, conducts public and private hearings to discuss major Equal Employment Opportunities (EEO) topics relevant to the City of New York, and annually publishes a report to the Mayor and City Council on the activities of the Commission.

There are currently 141 agencies within EEPC's jurisdiction, including the Office of the Mayor, all mayoral agencies, and the City Council. According to the City Charter, the EEPC must audit the employment programs of these agencies at least once every four years to ensure that they are in compliance with City, State, and federal regulations and requirements. If an agency is not following the guidelines set by EEO policies, the City Charter requires that the EEPC provide recommendations to the agency and monitor the agency for a period of up to six months to ensure compliance. The EEPC has the authority to conduct both general audits and issue-specific audits all of which are conducted using uniform standards and guidelines.

This report provides a review of EEPC's Fiscal 2021 Preliminary Budget. In the section below, the Fiscal 2021 Budget is presented, which details spending by Personal Services (PS) and Other Than Personal Services (OTPS), followed by the Financial Plan Summary chart, which provides an overview of EEPC's budget by unit of appropriation, funding source and headcount. EEPC is not reviewed in the Preliminary Mayor's Management Report, and does not have a capital budget.

Fiscal 2021 Preliminary Budget Highlights

The Fiscal 2021 Preliminary Budget totals \$1.3 million, including \$1.2 million for PS spending to support 14 full-time employees and \$87,000 in OTPS spending. The Fiscal 2021 Preliminary Budget shows an increase of \$48,000 or four percent when compared to the \$1.2 million in the Fiscal 2020 Adopted Budget. Funding for EEPC's budget is entirely derived from City tax-levy.

Financial Plan Summary

The table below provides an overview of EEPC's actual expenditures for Fiscal 2018 and Fiscal 2019, the Adopted Budget for Fiscal 2020, and planned expenditures for Fiscal 2020 and Fiscal 2021 as proposed in the Fiscal 2021 Preliminary Plan.

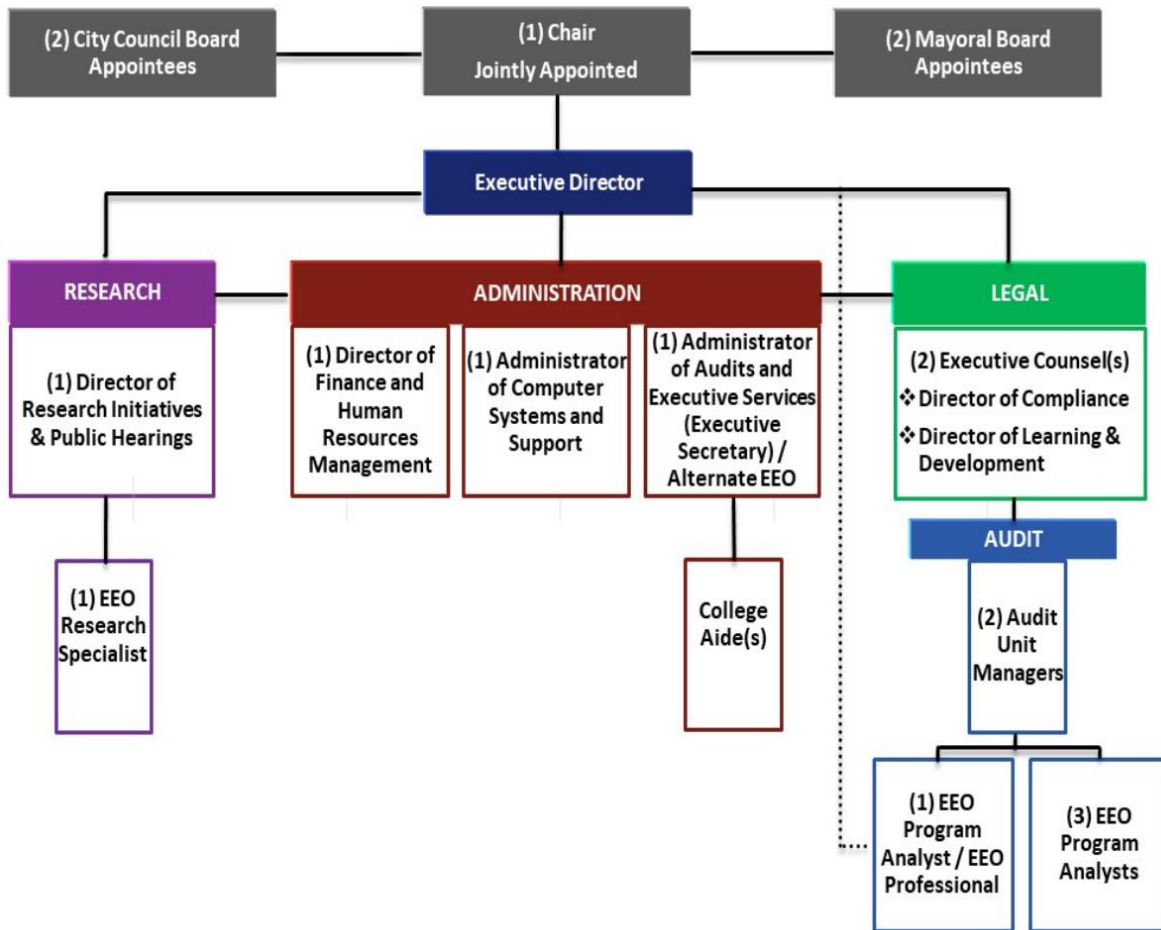
EEPC Financial Summary						
<i>Dollars in Thousands</i>						
	FY18	FY19	FY20	Preliminary Plan		*Difference
	Actual	Actual	Adopted	FY20	FY21	FY20-FY21
Spending						
Personal Services	\$820	\$1,030	\$1,170	\$1,157	\$1,181	\$11
Other Than Personal Services	67	117	50	63	86	36
TOTAL	\$887	\$1,147	\$1,220	\$1,220	\$1,267	\$48
Personal Services						
Full-Time Salaried - Civilian	\$818	\$1,030	\$1,147	\$1,134	\$1,158	\$11
P.S. Other	2	0	23	23	23	0
SUBTOTAL	\$820	\$1,030	\$1,170	\$1,157	\$1,181	\$11
Other Than Personal Services						
Other Services & Charges	\$31	\$43	\$15	\$6	\$51	\$36
Supplies & Materials	4	10	24	24	24	0
Contractual Services	21	52	7	14	7	0
Property & Equipment	11	12	4	19	4	0
SUBTOTAL	\$67	\$117	\$50	\$63	\$86	\$36
TOTAL	\$887	\$1,147	\$1,220	\$1,220	\$1,267	\$48
Funding						
City Funds			\$1,220	\$1,220	\$1,267	\$48
TOTAL	\$887	\$1,147	\$1,220	\$1,220	\$1,267	\$48
Budgeted Headcount						
Full-Time Positions - Civilian	11	12	14	14	14	0
TOTAL	11	12	14	14	14	0

**The difference of Fiscal 2020 Adopted Budget compared to Fiscal 2021 Preliminary Budget.*

The Fiscal 2020 Budget remains unchanged at \$1.22 million while the Fiscal 2021 Budget increases by \$47,625 to \$1.27 million. The increase reflected in Fiscal 2021 is a result of increases to the OTPS budget of approximately \$36,000 for miscellaneous expenses, and an increase in Personal Services salary expenditures of approximately \$11,000. The OTPS expenditures were for supplies, equipment, and trainings, and was funded from PS accruals. There were no new actions in EEPC’s budget in the November 2019 Plan or the Fiscal 2021 Preliminary Plan.

The headcount remains the same since the Fiscal 2020 Adopted Budget at 14 positions. The EEPC currently has one of those positions vacant, the Director of Learning and Development. This position has been vacant since September 2019 and the agency is actively searching for qualified applicants. Two Community Coordinator positions were filled in March 2020. Note that the five Commissioners serve on a part-time basis and are paid from the OTPS budget. In July 2019, the Mayor and City Council Speaker appointed Sasha Neha Ahuja as the new Chair of the Commission, which is a position that had been vacant since 2015. The chart below shows the organizational structure of EEPC.

EEPC 2019 Organizational Structure



*Source: EEPC 2019 Annual Report

EEPC Annual Report 2019

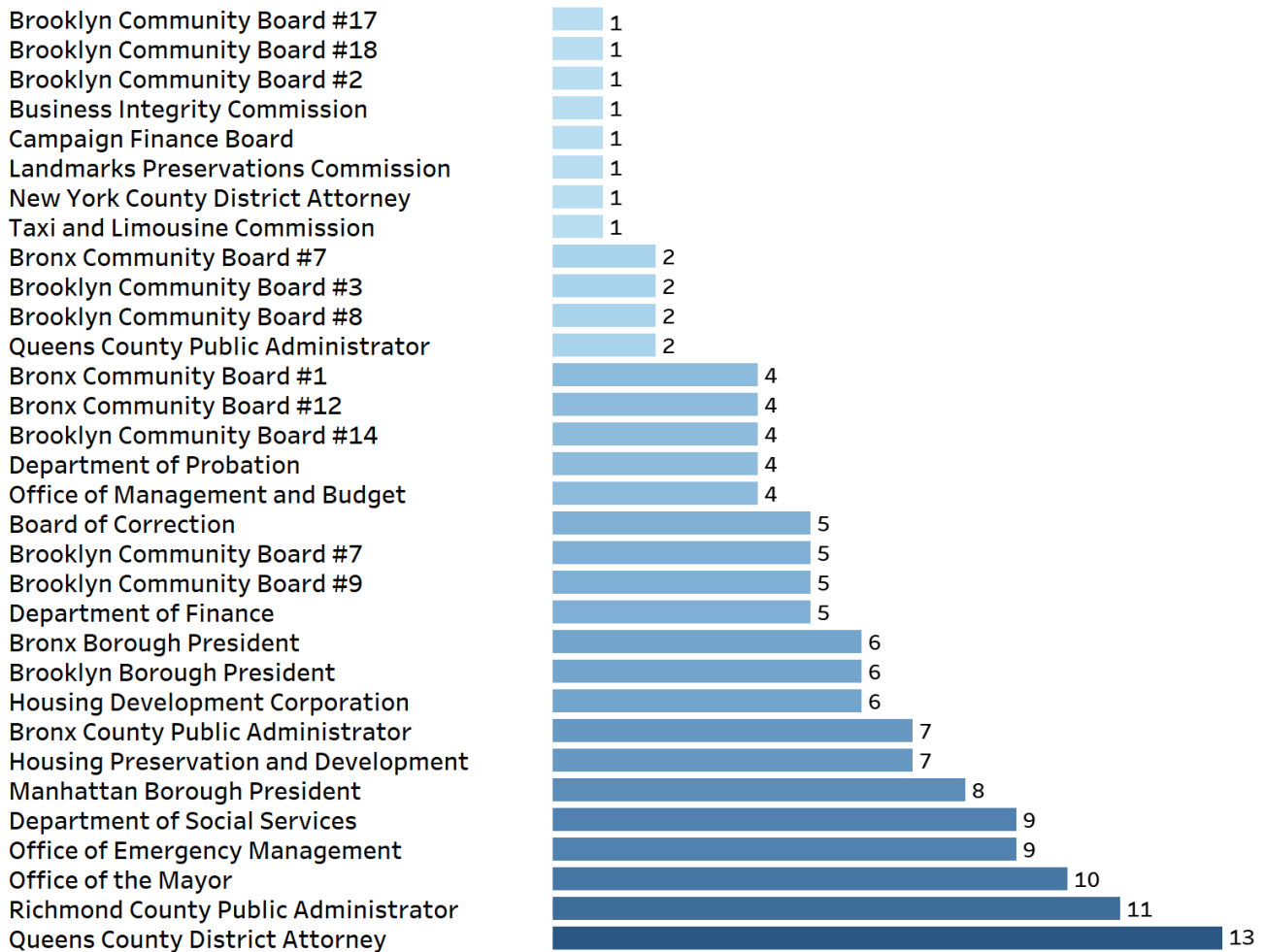
The Annual Report was submitted to the Council on March 5, 2020. EEPC highlights its audit and monitoring, research initiatives, and general operational procedures. EEPC conducts a general employment audit once every four years to assess whether a municipal entity’s employment and EEO program is in compliance with local, state, and federal regulations. In addition, issue-specific audits are conducted on sexual harassment, employment hiring and promotion practices, disability hiring and accommodations, and procedures to investigate discrimination complaints.

A new audit was created in 2019 through Local Law 13 which requires EEPC to collect and analyze data on race and ethnicity and provide recommendations when certain groups are underutilized. The first report on this citywide data is due in February 2021. EEPC continues to maintain that compliance with Local Law 13 will be difficult without further resources. In 2019, EEPC testified for the need of approximately \$500,000, or a 40 percent addition to their budget.

In 2019, EEPC initiated 48 audits, its largest number of audits in its history. When an entity is audited and required to take corrective action, upon completion of the required actions, EEPC will issue a Determination of Compliance. EEPC in 2019 increased the number of Determinations of Compliance to 44, an increase of 43 percent above 2018. Of the 44 determinations issued, 12 did not require

action or monitoring, while 32 implemented corrective actions to obtain their Determinations of Compliance. Those 32 entities and the number of corrective actions they undertook are below.

Agencies and the Number of Corrective Actions Completed in 2019



The EEPC Annual Report also lays out the specific actions for each entity with a completed audit. The documents issued to each agency with their specific requirements constitute 244 pages of the 300 page report. The number of entities that received requirements for corrective action was 40, with 37 of those pertaining to the review of sexual harassment practices. The three remaining entities required corrective action relating to the review of their employment practices. Organizations that require corrective actions and have not completed them by the end of 2019 are below, along with the number of remaining corrective actions the organizations still must complete. Of note, the City Council was issued 29 corrective actions relating to the intake and procedures of sexual harassment prevention and response practices.

Agencies and the Number of Corrective Actions Remaining as of 12/31/19

New York City Council	29
Economic Development Corporation	18
Department of Small Business Services	16
Department of City Planning	14
Department of Consumer and Worker Protection	13
Teachers Retirement System	12
Employees Retirement System	9
Administrator for Children’s Services	6
Department of Design and Construction	5
Conflict of Interests Board	3
Board of Standards and Appeals	2
Brooklyn Community Board #5	1
Department of Youth and Community Development	1

The most common type of corrective action is a requirement to distribute or post a copy of EEO policy. This could be an electronic or paper copy of the policy and includes procedures for investigating discrimination and contact information for entities that enforce discrimination. This type of corrective action was issued 15 times in 2019. Following that, 14 agencies were required to deliver annual statements on the commitment to prevent sexual harassment and 13 agencies were instructed to submit an annual plan on measures and programs to provide equal employment opportunities. In addition, 12 corrective actions relate to communication documentation between the entity head and the EEO professional, and 11 actions required the entity to inform a complainant of the result of an investigation.

The EEPC Annual Report does not contain any conclusion on the state of EEO and sexual harassment practices in city agencies, nor on any improvement or decline from previous years. However, EEPC’s audit plan to examine sexual harassment practices is now halfway complete, with the goal to audit all 141 entities by 2021.